

1 **HORTON OBERRECHT & KIRKPATRICK**

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8 Attorneys for Defendant Target Corporation,
9 A Minnesota Corporation

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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **EASTERN DIVISION**

14 CRYSTAL HORNE,

15 Plaintiff,

16 vs.

17 TARGET CORPORATION, a Minnesota
18 corporation; and DOES 1 through 50,
19 inclusive,

20 Defendants.

21 **CASE NO.**

22 **NOTICE OF REMOVAL BY
TARGET CORPORATION**

23 **JURY TRIAL DEMANDED**

24 Case No. CIVSB2203561

25 Complaint Filed: March 12, 2022

26 Trial Date: None Set

27

28 **TO THE CLERK OF THE ABOVE-ENTITLED COURT, CLERK OF THE
SUPERIOR COURT, AND ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:**

29 PLEASE TAKE NOTICE that Defendant TARGET CORPORATION ("Target")
hereby removes to this Court the state court action described below.

30 1. On March 12, 2022, an action was commenced in the Superior Court of the
31 State of California in and for the County of San Bernardino, entitled CRYSTAL
32 HORNE, Plaintiff vs. TARGET CORPORATION, and DOES 1 to 50, INCLUSIVE,
33 Defendants, as Case Number **CIVSB2203561** (the "Action"). A true and correct copy of

1 the Summons is attached as **Exhibit “A”**. A true and correct copy of the Complaint filed
2 upon March 12, 2022, is attached hereto as **Exhibit “B”**.

3 2. Target was served with a copy of the Complaint on March 15, 2022 when
4 counsel for Plaintiff caused to be served, by a process server, copies of the said
5 Complaint and Summons, and Statement of Damages, on Target’s Registered Agent, CT
6 Corporation in California. A true and correct copy of the transmittal of summons and
7 complaint, and statement of damages by CT service of process transmittal is attached
8 hereto as **Exhibit “C”**.

9 3. Target is informed and believes that Plaintiff was, at the time she filed the
10 Action, and still is, a citizen of the State of California.

11 4. On April 15, 2022, Target filed and served its Answer to Complaint and
12 Demand for Jury Trial with the California Superior Court, County of San Bernardino. A
13 true and correct copy of Target’s Answer to Complaint and Demand for Jury Trial is
14 attached hereto as **Exhibit “D”**.

15 5. Defendant Target first obtained evidence demonstrating that the amount in
16 controversy exceeded \$75,000, when it obtained plaintiff’s responses to discovery and
17 the medical billing records for past medical treatment in the amount of approximately
18 \$110,846.95. In addition, Plaintiff is continuing treatment and more billings are pending.
19 Plaintiff further claims that treatments are ongoing, and the medical providers state that
20 future treatment will be required. A true and correct copy of Plaintiff’s responses to
21 Form Interrogatories is attached hereto Exhibit “E”.

22 6. This removal is filed within thirty (30) days of Defendant Target being first
23 served with plaintiff’s discovery responses on July 12, 2022 and on which date counsel
24 for Defendant Target first ascertained that the amount in controversy exceeded \$75,000
25 based on Plaintiffs’ Statements of Damages and medical records. Therefore, this removal
26 is timely as required by 28 U.S.C. §1446(b) which provides:

27 “If the case stated by the initial pleading is not removable, a notice of
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removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable, except that a case may not be removed on the basis of jurisdiction conferred by section 1332 of this title more than 1 year after commencement of the action.” 28 U.S.C. § 1446 (b).”

7. This action is a civil action for personal injury of which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendant Target pursuant to the provisions of 28 U.S.C. § 1441(a), based upon diversity, in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

8. In the Complaint, Plaintiff does not indicate her citizenship, but Target is informed and believes that Plaintiff was, at the time she filed the Action and still is, citizen of the State of California.

9. Target Corporation was, at the time of the filing of this action, and still is, a citizen of the State of Minnesota, incorporated under the laws of the State of Minnesota, with its principal place of business in the State of Minnesota.

10. The other defendants in this action are fictitiously named, designated as Does 1 to 50, Inclusive, and their citizenship shall not be considered in determining diversity jurisdiction. 28 U.S.C. § 1441(b). Defendant Target is informed and believes and thereon alleges that no other defendant has been served or joined in this Action.

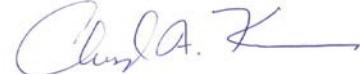
11. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders sent to and received by Target in the State Court action are attached hereto as **Exhibits “A”, “B”, “C”, “D”, and “E”.**, including Defendant’s timely filed Answer of April 15, 2022.

12. Defendant Target hereby requests a Jury Trial of all causes of action that can

1 be tried by jury.
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DATED: August 11, 2022

HORTON, OBERRECHT & KIRKPATRICK



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5 By: _____
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Cheryl A. Kirkpatrick
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Attorneys for Defendant Target Corporation

DECLARATION OF CHERYL A. KIRKPATRICK

I, CHERYL A. KIRKPATRICK, declare as follows:

1. I am an attorney at law duly licensed to practice in the courts of the State of California and the Central District of California, and am a Partner in the firm of Horton Oberrech & Kirkpatrick, attorneys of record for Defendant Target Corporation (“Target”) herein. I have personal knowledge of the matters stated herein and, if called upon to testify as a witness, I could and would competently so testify.

2. On March 12, 2022, an action was commenced in the Superior Court of the State of California in and for the County of San Bernardino, entitled CRYSTAL HORNE, Plaintiff vs. TARGET CORPORATION, and DOES 1 to 50, INCLUSIVE, Defendants, as Case Number **CIVSB2203561** (the “Action”). A true and correct copy of the Summons is attached as **Exhibit “A”**. A true and correct copy of the Complaint filed upon March 12, 2022, is attached hereto as **Exhibit “B”**.

3. Target first became aware of the Action when on March 15, 2022 Counsel for Plaintiff served copies of the Complaint, the Summons, and the Statement of Damages, on Target’s Registered Agent, CT Corporation in California. A true and correct copy of the transmittal of the summons and complaint, and statement of damages by service of process transmittal is attached hereto as **Exhibit “C.”**

4. Target is informed and believes that Plaintiff was, at the time she filed the Action, and still is, a citizen of the State of California.

5. On April 15, 2022, Target filed and served its Answer to Complaint and Demand for Jury Trial with the California Superior Court, County of San Bernardino. A true and correct copy of Target's Answer to Complaint and Demand for Jury Trial is attached hereto as **Exhibit "D."**

6. Defendant Target first learned that the amount in controversy exceeded \$75,000, when it was served with Plaintiff's discovery responses and medical records on

1 July 12, 2022. Therein Plaintiff alleged \$110,846.95 in damages, in accordance with
2 proof at time of trial. A true and correct copy of Plaintiff's responses to Form
3 Interrogatories is attached hereto as **Exhibit “E.”**

4 7. This removal is filed within thirty (30) days of Defendant Target's receipt of
5 plaintiff's discovery responses and medical records, on July 12, 2022. Therefore, this
6 removal is timely as required by 28 U.S.C. §1446(b), which provides:

7 “If the case stated by the initial pleading is not removable, a notice of
8 removal may be filed within thirty days after receipt by the defendant,
9 through service or otherwise, of a copy of an amended pleading, motion,
10 order or other paper from which it may first be ascertained that the case is
11 one which is or has become removable, except that a case may not be
12 removed on the basis of jurisdiction conferred by section 1332 of this title
13 more than 1 year after commencement of the action.” 28 U.S.C. § 1446
14 (b).”

15 8. This action is a civil action of which this Court has original jurisdiction
16 under 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendant
17 Target pursuant to the provisions of 28 U.S.C. § 1441(a) in that it is a civil action
18 between citizens of different states and the matter in controversy exceeds the sum of
19 \$75,000, exclusive of interest and costs.

20 9. In her Complaint, Plaintiff does not indicate her citizenship, but Target is
21 informed and believes that Plaintiff was, at the time she filed the Action and still is,
22 citizen of the State of California.

23 10. Target Corporation was, at the time of the filing of this action, and still is, a
24 citizen of the State of Minnesota, incorporated under the laws of the State of Minnesota,
25 with its principal place of business in the State of Minnesota.

26 11. The other defendants in this action are fictitiously named, designated as
27 Does 1 to 50, Inclusive, through 50, and their citizenship shall not be considered in

determining diversity jurisdiction. 28 U.S.C. § 1441(b). Defendant Target is informed and believes and thereon alleges that no other defendant has been served or joined in this Action.

12. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders sent to and received by Target in the State Court action are attached hereto as **Exhibits “A”, “B”, “C”, “D”, and “E”.**, including Defendant’s timely filed Answer of April 15, 2022.

13. Defendant Target hereby requests a Jury Trial of all causes of action that can be tried by jury.

I declare under penalty of perjury under the laws of the State of California that the foregoing Declaration is both true and correct.

Executed on this 11th day of August, 2022, at Irvine, California.

Chad A. Z.

CHERYL A. KIRKPATRICK

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: HORTON, OBERRECHT & KIRKPATRICK, 3 Park Plaza, Suite 350, Irvine, California 92614.

On August 11, 2022, I served the foregoing document described as: **Notice of Removal by Target Corporation, Jury Trial Demanded**, on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as stated on the attached service list:

[] **BY MAIL** – I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than (1) day after the date of deposit for mailing in affidavit.

BY PERSONAL SERVICE – I caused such envelope to be delivered by a process server employed by [name of process server].

BY ELECTRONIC TRANSMISSION – I transmitted a PDF version of this document by electronic mail to the party(s) identified on the attached service list using the e-mail address(es) indicated.

(Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 11, 2022, at Irvine, California.

Cyndi May

Crystal Thompson

SERVICE LIST

Crystal Horne v. Target Corporation
California Superior Court, San Bernardino; Case Number CIV SB 2203561

<p>Siamak Vaziri, Esq. Caryn Brottman Sanders, Esq. Elizabeth C. Munro, Esq. VAZIRI LAW GROUP, APC 5757 Wilshire Blvd. Ste. No. 670 Los Angeles, California 90036 Telephone: (310) 777-7540 Facsimile: (310) 777-0373 Email: svaziri@vazirilaw.com; csanders@vazirilaw.com; emunro@vazirilaw.com; csteam@vazirilaw.com</p>	<p>Attorneys for Plaintiff, Crystal Horne</p>
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